



September 18, 2014

Via ECF

Hon. J. Paul Oetken  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Zeeray LLC v. Reckitt Benckiser LLC*, 14-cv-3118-JPO

Dear Judge Oetken:

I am a member of the law firm Goldberg Cohen LLP (“GC”) and am counsel of record for Plaintiff in this matter. For the reasons set forth below, I and my associate Benjamin H. Graf, also of record in this case, hereby request leave to withdraw as counsel for Plaintiff in this matter. A proposed order granting the request is attached hereto as Exhibit A.

### **The Appropriate Standard**

Under Local Rule 1.4, an attorney of record may withdraw from a case “upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar, and whether or not the attorney is asserting a retaining or charging lien.” Leave to withdraw is particularly appropriate where there would be no prejudice to the other parties to an action. *See Battino v. Cornelia Fifth Ave., LLC*, No. 09-cv-4113(LGS), 2013 WL 4779635, at \*2 (S.D.N.Y. June 26, 2013) (finding leave to withdraw appropriate where withdrawal would not “negatively impact the timing of th[e] proceeding.”).

### **The Present Application**

This case is in its incipency. A complaint has been filed, and the parties are involved in settlement discussions. No answer or other response to the complaint has been filed, and Plaintiff has consented to an extension of time for Defendant to answer while the parties negotiate a potential settlement. Should this case not settle, my co-counsel Morris E. Cohen and Limor Wigder of Goldberg Cohen LLP, also of record, are fully competent and capable of effectively representing Plaintiff as the case moves forward. Mr. Cohen and Ms. Wigder are experienced litigators, have been extensively involved in this litigation, and are familiar with the pertinent facts.

In view of the procedural posture of this case, the possibility that it will settle in the near future, and my co-counsel’s continued representation of Plaintiff, the parties to this litigation will suffer no prejudice if leave to withdraw is granted to Mr. Graf and the undersigned, and such withdrawal should cause no disruption to the further prosecution of this case.

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### **Reasons for Withdrawal and Client's Consent**

Mr. Graf and the undersigned seek withdrawal from this case as we are moving to another firm at the end of this month.

My co-counsel, Mr. Cohen, has communicated Mr. Graf's and the undersigned's intent to withdraw from this case to Plaintiff and Plaintiff informed Mr. Cohen that they do not oppose the requested withdrawal. A copy of this letter is also being forwarded to Plaintiff.

In addition, neither Mr. Graf nor the undersigned is asserting a retaining or charging lien in this matter.

### **Conclusion**

For the foregoing reasons, Lee A. Goldberg and Benjamin H. Graf respectfully request that the Court grant our withdrawal as counsel for Plaintiff in this case and instruct the Docket Clerk to terminate our association with the case. We thank the Court for its attention to this matter.

Respectfully submitted,

*/s/ Lee A. Goldberg*

Lee A. Goldberg

Enclosure (Proposed Order)

cc: Mark Lerner, Esq. attorney for Defendant (via email)  
Abraham J. Hakim of Zeeray LLC (via email)  
Abe S. Hakim of Zeeray LLC (via email)